

Legal and Policy Committee
November 9, 2010
Meeting minutes

Present: Charles Covin, Jill Kentfield, Marianne Horn, Helen George, Phyllis Hyman, Kenneth Dardick, John Lynch, Mark Laudenberg, Lori Reed Fourquet, Michelle DeBarge, Laura Jordon, Moses Vargas, Ellen Andrews (via phone) and Marcia Petrillo

Members of the public: David Williams, AT&T, Sally Hellerman (via phone)

1. Discussion took place regarding the preemption analysis and the impact of placing information into a HIE. Language that require consent or imply consent to enter info into the HIE needs to be identified in the statutes.
2. John Lynch seconded by Marsha Petrillo made a motion to approve minutes as amended, motion carried.
3. Marianne Horn provided information regarding the October 18th inaugural meeting of the Quasi-Public State agency board of directors.
 - 20 people were present. Adopted by-laws
 - Tom Agresta was elected vice-chair and treasurer
 - Dan Carmody was elected Secretary
 - The new entity needs to obtain a FEIN and contract for planning funds is under way
 - CEO position description is being developed however the funding won't be available for few months.
 - The Executive Committee was created and current sub-committees adopted as official Committees.
 - Brief discussion took place regarding new members of the HITE-CT to join sub-committees.
 - Next Board meeting takes place on November 15 4:30 – 6:30 at DOIT.
 - Revised by-laws and resolutions will continue to give Authority the ability to go ahead and obtain legal counsel.
4. Discussion took place regarding feedback of the strategic and operational plan, Privacy and Legal issues. The environmental scan needs to incorporate a baseline of actual activities in CT. We need to determine which Laboratories, pharmacies, and physicians are using Electronic exchange. The Department has received some information through the DSS assessments and we are trying to determine what % of entities are exchanging information in a meaningful way, as well as identifying gaps and who will fill them. UCONN has been tasked with completing an evaluation piece to help with the environmental scan. Next steps: ONC has identified our plan to be overly ambitious and are looking for more basic systems for us to support such as *inter-clinician direct messaging*. Helen spoke about MN conference call. Discussion took place regarding Deloitte's high level review of the plan. The Committee needs to identify how the policy questions will be addressed and incorporate a policy for responding to the questions into the plan. It was suggested to reach out to consumers and include speakers from the Veterans Administration. Discussion took place regarding creating a smaller working group to address questions. Ask Deloitte for examples of what they are looking for along with reviewing other state plans. Recognize issues and put people in place to address the issues and start creating policies make recommendations to L&P committee then to board. The next meeting will take

place on Tuesday, November 23, 2010 8:30 AM – DOIT – Gartner will be invited to attend. Marianne will provide examples from other states. Committee should review the questions from Deloitte and be prepared to provide feedback for answers. ONC - Community of Practice to ensure Continuity of Practice among all federally funded entities - Marianne will send out information regarding the meetings.

5. HIPAA Preemption analysis: Intern doing analysis of case law at this time. Phyllis will send statutes that impact DSS. Discussion took place regarding other statutes that impact state agencies. Intern is reviewing the statutes from provider prospective of disclosure only.
6. Michelle will take the lead on legislative needed. Marianne will provide abortion information – Phyllis HIV and privileges. In order to create legislation, she will need to know which statutes are impacted. The committee will make recommendation to ONC on federal issues i.e. FERPA. Discussion took place regarding the sharing of biosurveillance information such as influenza. Helen will continue research into other state statutes that CT can use as language in their law. Deloitte will be asked to provide information regarding other states models that have changed legislation. Consider developing model notice of privacy for health care entities to use. Invite Nursing Home and Home care associations to participate in the Committee.
7. Public Comment: None
8. The next meeting will take place at DOIT on November 23, 8:30 AM and again on December 7 at 8:30 AM

Meeting adjourned at 10:01 AM.